

House Bill 487 (AS PASSED HOUSE AND SENATE)

By: Representatives Roberts of the 154th, McCall of the 30th, Floyd of the 147th, Royal of the 171st, Ray of the 136th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use tax, so as to clarify the sales and use tax exemption for a qualified child-caring institution, child-placing agency, or maternity home; to change the exemption regarding electricity sales for irrigation of certain crops; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from state sales and use tax, is amended by striking paragraph (41) of said Code section and inserting in its place a new paragraph (41) to read as follows:

"(41)(A) Sales of tangible personal property and services to ~~or by~~ a child-caring institution as defined in paragraph (1) of Code Section 49-5-3, as amended; a child-placing agency as defined in paragraph (2) of Code Section 49-5-3, as amended; or a maternity home as defined in paragraph (14) of Code Section 49-5-3, as amended, when such institution, agency, or home is engaged primarily in providing child services and is a nonprofit, tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code and obtains an exemption determination letter from the commissioner; and

(B) Sales by an institution, agency, or home as described in subparagraph (A) of this paragraph when:

(i) The sale results from a specific charitable fund-raising activity;

(ii) The number of days upon which the fund-raising activity occurs does not exceed 30 in any calendar year;

(iii) No part of the gross sales or net profits from the sales inures to the benefit of any private person; and

SECTION 2.

"(64) The sale of electricity or other fuel for the operation of an irrigation system which is used on a farm exclusively for the irrigation of farm crops;"

This Act shall become effective on July 1, 2005.

All laws and parts of laws in conflict with this Act are repealed.